

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 2, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-13383 - APPLICANT: REAGAN NATIONAL  
ADVERTISING - OWNER: MUSTANG MAN, LLC.**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to all Minimum Requirements under Title 19.14.100 for an Off-Premise Sign use and other applicable sign requirements.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the sign structure on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. This Special Use Permit shall be reviewed in two 2 years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
6. Only one advertising sign is permitted per sign face.
7. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

8. The Off-Premise Advertising (Billboard) Sign supporting structure shall be redesigned to include finish materials that complement the existing on-site building. The entire face-area of both sides of the Off-Premise Advertising (Billboard) Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
9. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

11. The proposed Off-Premise Advertising (Billboard) Sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The sign base shall not be located within existing or proposed public sewer or drainage easements.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is an appeal filed by the applicant from the denial by the Planning Commission for a Special Use Permit for a proposed 40-Foot high, 14-foot By 48-foot Off-Premise Advertising (Billboard) Sign at 6750 West Sahara Avenue.

**EXECUTIVE SUMMARY**

The proposed 40-foot high, 14-foot by 48-foot Off- Premise Advertising (Billboard) Sign at 6750 West Sahara Avenue is located in one of the few areas east of the Off-Premise Sign Exclusionary Zone where billboards are not prevalent. In a previous case (SUP-3972), the Planning Commission and City Council both determined that an off-premise sign would be inappropriate at this location because the area is generally free of off-premise signage.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 05/19/04      The City Council approved a Special Use Permit (SUP-3986) for a Supper Club. Staff and the Planning Commission recommended approval on 04/08/04.
- 07/07/04      The City Council denied an appeal of a denial vote by the Planning Commission for a Special Use Permit (SUP-3972) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. Staff recommended approval and the Planning Commission recommended denial on 04/08/04.
- 06/22/06      The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #34/fs).

***B) Pre-Application Meeting***

- 04/10/06      The applicant was informed of the requirements for submittal of a Special Use Permit application and of the requirements for the Off-Premise Advertising (Billboard) Sign use.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres:            1.50

***B) Existing Land Use***

Subject Property: Restaurant  
North: Condominiums  
South: Commercial  
East: Church / Auto Repair  
West: Restaurant

***C) Planned Land Use***

Subject Property: SC (Service Commercial)  
North: M (Medium Density Residential)  
South: Clark County  
East: SC (Service Commercial)  
West: SC (Service Commercial)

***D) Existing Zoning***

Subject Property: C-1 (Limited Commercial)  
North: R-PD16 (Residential Planned Development – 16 Units Per Acre)  
South: C-2 (General Commercial – Clark County)  
East: C-1 (Limited Commercial)  
West: C-1 (Limited Commercial)

***E) General Plan Compliance***

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the Master Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is consistent with the Master Plan, and the proposed Off-Premise Advertising (Billboard) Sign is a permitted use with the approval of a Special Use Permit.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>	<b>X</b>	
<b>Project of Regional Significance</b>	<b>X</b>	

**INTERAGENCY ISSUES**

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500 feet of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and no significant issues were identified.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

## ANALYSIS

### A) *Zoning Code Compliance*

#### A1) Minimum Distance Separation Requirements

The Off-Premise Advertising (Billboard) Sign is subject to a minimum 300-foot separation from other off-premise advertising signs. In addition, the sign cannot be located less than 300 feet from the nearest property line of a lot in the U (Undeveloped) Zoning District or any “R” Zoning District. The nearest billboard is located approximately 900 feet from the proposed location, within unincorporated Clark County jurisdiction. The nearest “R” zoned property is located approximately 315 feet to the north of the proposed location.

#### A2) Off-Premise Sign Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Proposed	Compliance
Location	No off-premise sign may be located within the public right-of-way	Located north of the Sahara Avenue right-of-way	Y
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-1 (Limited Commercial) zoning district	Y
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	The east and west faces are each 672 square feet.	Y
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 40 feet from grade	Y
Setback	Off-premise signs shall not be located closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	The subject sign is set back approximately 220 feet from the right-of-way line of the intersection of Sahara Avenue and Redwood street	Y

Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Screened from view by sign panels	Y
Other	All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property	Y

The proposed Off-Premise Advertising (Billboard) Sign meets the provisions of the Title 19 sign code.

***B) General Analysis and Discussion***

- Zoning

The subject site is zoned C-1 (Limited Commercial). An Off-Premise Advertising (Billboard) Sign is a permitted use in this district with the approval of a Special Use Permit. It is not located within the Off-Premise Sign Exclusionary Zone.

- Use

The proposed off-premise sign meets all dimensional and location requirements of Title 19. It is also located on a major arterial street (Sahara Avenue) that serves as an important commercial corridor. However, the proposed location lies in one of the few areas east of the Off-Premise Sign Exclusionary Zone where billboards are not prevalent. In a previous case (SUP-3972), the Planning Commission and City Council both determined that an off-premise sign would be inappropriate for this location because the sign was incompatible with development in the area. This application is virtually identical to the request that was denied by the Planning Commission on 04/08/04 and by the City Council on 07/07/04. Given the general absence of off-premise signs in the vicinity, their encroachment into this area of the City is not desirable as they are incompatible with the development in the surrounding area.

- Conditions

If approved, the proposed sign must conform to all Minimum Requirements under Title 19.14.100 for the Off-Premise Advertising (Billboard) Sign use and other applicable sign requirements. In addition, the use shall be reviewed within two years from the date of approval to ensure compliance with these standards and compatibility with the area.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

While the proposed sign is located outside of the Billboard Exclusionary Zone, it is not harmonious or compatible with existing land uses as only a minimal amount of off-premise signage is present in the area. Given the subject site’s proximity to the Billboard Exclusionary Zone, and the considering the circumstances resulting in the prior denial of a similar application by the Planning Commission and City Council, this application is not recommended.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

There are no physical constraints to the location of the use on the subject site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

There are no requirements for access to a property containing an Off-Premise Advertising (Billboard) Sign.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

If approved, the off-premise sign will be subject to regular inspection and will not compromise the public health, safety or welfare.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

7

**ASSEMBLY DISTRICT** 5

**SENATE DISTRICT** 8

**NOTICES MAILED** 109 by City Clerk

**APPROVALS** 0

**PROTESTS** 0